THE NEW YORK HERALD.

WHOLE NO. 6974.

MORNING EDITION----SATURDAY, NOVEMBER 29, 1851.

PRICE TWO CENTS

DOUBLE SHEET.

I TALIAN OPERA, ASTOR PLACE, MAX MARETZER,
I Lennee and Proprietor, Secured Scate, 31 50; Box and Parquette, 51; Amphisheatre, 59 cents Thirteenth subscription
night. Monday, Dec. I, will be performed Donizetti's comic
opera, in three acts, 61
DON PASQUALE.

DON PASQUALE.

Bignor J. Marin

cotor Malatesta Bignor C. Badial

meste Bignor A. Yiesti

yrma Signora A. Besio

Boors open at 5½; performance to commence at 7½ of lock

xo office open every day from 9 A. M. till 4 celock P. M.

SEARING'S PRIVATE DANCING AND WALTZING Acadomy, 56 Bend street.—New classes forming for generalmen on Tweeday and Friday evenings, as 8 o'clock, retained and young masters on Wednesdays and Saturdays, as half-past 1 o'clock. Private lessons every day. Solven, axelusively to pupils, parents and guardians, as usual. All the new dances taught, including the Parodi manurks, composed by Mr. S. For terms please apply as above.

dway, respectfully gives notice that his classes for loss in denoing take place for young laises and man the property of the property of the property of the classes for gealthmen. Tweeday and Friday. Privas ind scools attended to. Boirees given as usual.

Date 7 o'clook P. M.

NIBLO'S BALL AND CONCERT ROOM.—THE PROpristor respectfully informs the public that his magniGent Bail Room has been put in complete order for the enrulng season. Many important alterations and improvements have been made for the comfort and convenience of
parties; a new reception saloon, pariors, and dressing room,
with all the necessary conveniences for Indias and gentlepred. The valuable services of Mr. Vessy, the able and theThis categor for dinner and support parties, has been secured.
Mr. V. is provided with the best French cooks, good and abbentive waiters; and everything of the very best the market
affords will be provided. Mr. Vessy has made a solection of
his cheicest wines and liquors, and no pains or expense will
few spared to give satisfaction to those who are desired so
riving first rate balls, large dinners, and supper parties, will
the teated with on liberal terms. For particulars, apply at
the since on Grooby street.

FINANCIAL.

WERMONT CENTRAL RAILROAD.—PROPOSALS for sale of Mortgage Bonds.—The Vormon's Central Railroad Company invite scaled proposals for the purchase of Bonds of said company, secured by a mortage of the road. We Whilism Amory, Charles O. Whitmore, and John Smith, as trusted. The Bonds will be payable in ton years, from Novamber I, ion, and will be payable in ton years, from per cent, payable accidentally, at the office of the Traverser, ion, and will be payable in the rate of saves per cent, payable monthly—the first payments be made in our installments, payable monthly—the first payments be made in the first day of Bocember, 1801. The first payments be made to make, or in notes of the company. The present made of the company and for a settlement, equal to cash on the fet day of Evour and the himself of the sompany, and for a statement of the present financial position of the company, reference may be had to a printed report of the restees, which has just been made. The mortgage is made on a road 117 miles in length, which has cost \$7,000.00. The receipts of the road for the year 1830, were \$27,000.00. The receipts of the road for the year 1830, were \$27,000.00. The receipts of the present year, up to October 1, were \$44,504.22. The earnings for Septembor, 1851, were \$24,136.32. The Bends will be issued in sums of \$100, and marked. "Proposais must be returned to the Treasurer, on or before the last day of Bocember next, and must be sealed and marked. "Proposais for the Mortgage Bonds." The proposals will be notified immediately—V. C. R. R. Geffice, Boston, Nov. 25, 1851.

JOSLAH QUINCY, Jr., Treasurer versions Central Railroad. J. P. PUTNAM.

**Value of the proposals of the proposals will be received with the proposals will be counted to the proposals will be received. Will be notified immediately—V. C. R. R. Geffice, Boston, Nov. 25, 1851.

W & J. T. TAPSCOTT & CO., 85 SOUTH STREET,
Great Britain and Irejand. They are also sole agents for
the Red Star Line, the Swallow Tail Line, the Dramatic
Line, and Z Line, of Liverpool packets, and the X Line of
London packets. Passage by any of which ships can be enagged on reasonable terms.

D. W. BYRNES & CO., NO. 69 SOUTH STREET, NEW I. Fork, and 35 Waterloo Road, Liverpool, have for asis sight Drafts, payablein every town throughout England, Ireland, Scotland and Wales, are also agents for the Swallow Liver of Liverpool and Lendon packets, the Roc Star. Dramatic, and St. George's times of Liverpool packets, salling weekly. Certificates for the abuve lines can be had on moderate terms \$3,000. - SPECIAL OR ACTIVE PARTNER

5,000-by a man engaged in the wholean command from \$3.00 \$5.000-by a man engaged in the wholeanle Wine trade exceptionable references given as to character and but a capacity. Addiese "Willing." Horald office, stating a nad place of interview, will meet with prompt attent

\$2,000 WANTED.—A GENTLEMAN WISHES TO \$2,000 horrow two thousand dollars for twelve months, for which he will give \$500. Principals, and none others, willing to lend on good security, may address "Money," Herald office.

MRS. PREWSTER, FROM PHILADELPHIA, TENDERS her services to Ladies and Gentlemen of this city in Astrology, Love, and Idaw Matters, interpreting Dreams, &c., by loveks and science, constantly rolled on by Napoleon and will tell the name of the lady or gentleman they will marry. Also the names of the visitors. Residence 411 Grand street, between Chiaton and Attorney streets, N. Y. Ladies tity cents; Gentlemen one dollar.

A RRIVAL OV DR. C. W. ROBACK AT NEW YORK.—
A The celebrated Dr. C. W. Roback from sweden, Profesor of Astrology, Astronomy, Phrenology, and Geomany, Parinology, and Geomany, Carrine, just arrived from Philadelphia, where he has men with the most extraordinary success for the last four years, offers now his services to the chizans of New York and its vicinity. C. W. Roback being the seventh son of the seventh son, and having made astrology he exclude that seventh son, and having made astrology he exclude that seventh son, and having made astrology he exclude that seventh son of the seventh son, and having made astrology he excluded the seventh son of the seventh son, and the seventh son of the seventh sev A RRIVAL OF DR. C. W. ROBACK AT NEW YORK.

A LETTER FROM THE HON. D. F. THOMPSON, MEM.

CAMDEN AND AMBOY RAILROAD LINE FROM NEW
York to Philadelphia.—Leave Pier No. 1 Morsh Raves,
by steamboas John POTTER. Morning Line, as 8 o'clock
Alternoon Line, as 4 o'clock. Fare by eithor line, 35 to
clock of the colock of the colock of the colock
and deck. 82. Smigran's Line, as 8 o'clock P. M.; fare,
L. Billiff, Agent.
L. Billiff, Agent. New TORK AND PHPLADELPHIA.—NEW TORK and Philadelphia direct—United States Mail Idne-shrough in 4% hours, via New Jerzey Kalirond. Fare ranked to 31 for first elisas, and 52 00 for second class. Learn New York at 6 A. M., from foot of Cordands street, and at 9 A. M. and 5 F. M., from the foot of Wallands of the Philadelphia at 6 and 9 A. M., and 5 F. M., from the foot of Wallands.

a dolphia as 6 and 9 A. M., and 5 P. M., from the foot of Wal-int streat.

For Baltrinona. Washington, on Granlayrov.— Through ticken are sold in the above lines. A through on-trotor, with through baggage choosts, accompanies the train eaving as 5 P. M. Passingers and baggage in this train will be transported directly through from deposes depot on the outer without arter charge.

LEGAL NOTICES.

OFFICE OF RECEIVER OF TAXES, No. 5 NEW CITY Hall.—Taxes for 1851.—Taxes are hereby notified that an addition of one per cent will be made on all bases remaining supplied on the 1st day of December next, and the per cent on the 18th day of December. The Receiver would not not be baxanyers the importance of making as which we have the baxanyers the importance of making as well as the second of the second of

A UCTION NOTICE—FIRE PROOF SAFES—POSITIVE
A Sale.—Saturday, Nev. 29th, at 12% o'clock, at 57 Dey
street, corner of Greenwich street, eight superior Fire Proof
Safes, quite new, and of various since, conveniently sitted mo,
with tumbler locks, duplicate kays, &c. Each safe will be
positively sold to the highest bidder, to pay advances.

W. A. CARTER, Auctioneer, 57 Dey street,
corner of Greenwich street.

A UCTION NOTICE.—ROCKAWAY EXPRESS WAGON A Harness, &c.—Saturday, Nov. 29th, as 12 o'clock, at 57 Dey street, corner of Greenwich street, shifting seat Rockaway, nearly new, for one or two horses; light Phaeben, new Sulty Whools, Harness, Saddle &c. W. A. CARTER, Auctioneer, Store 57 Dey street, corner of Greenwich street.

A UCTION SALE OF ELEGANT BAE FIXTURES, Paintings, &c., on Saturday, 29th inst., as 10 o'clock, at the United States House, No. 50th Broadway, comprising all the furniture, fixtures, and stock of the establishment. PETEZ PARKS, Austioneer.

A UCTION NOTICE—THOS. BELL, AUCTIONEER—
By H. N. Bush—Large sale, this day, at 19% o'clock, in the auction rooms. 10 North William street, of valuable Furniture—Sofas, Sofa Beds. Mattresses, Carpets, Blankets &c. Planofortes—At 11% o'clock, will be sold to pay advances, &c. 3 valuable rosewood Planos. Also, an invoice of \$570 splendid Jewelry and Watches, &c., &c.

H. E. WILLARD, AUCTIONEER.—ASSIGNEES' SALE
of Household Furniture, at 300 Broadway, this morning, at 105, o'clock. H. E. Willard, Auctioner, will sell as
above, at Hooper's Sales Room, a general assortment of Furniture. For particulars see catalogues.

BY JOSEPH HEGEMAN, AUCTIONEER MONDAY Dec. 1, at 16 o'clock, at Tomsey's Union Hotel, Libertstreet, near Concord extreet, near Concord extreet, near Concord extreet, nearest September of Household Furaiture; a large number of valuable Orlantings and framed Engravings. Also, the Major's valuable collection of Curiosities, &c.

BY F. COLTON, AUCTIONEER -SALE OF HOUSE hold Furniture. Carpets, Oil Cloths, &c., &c.—This day, (Saturday, Nov. 29th. at 10½ o'clock, at the auction rooms, No. 39 Beckman and SA ann streat, the Furniture of a family, remeved for convenience of sale, and will comprise a sarge and extensive assortment of Furniture, such as French mehogany and black walnut Bedsteads: rosewood and mancanv Chaire; dressing and plain Bureaus; centre and card Tables; dining and tea do; marble top Stands; Sofas; Couchea: pier Glazees; Bade and Mattreases; Tapestry; three ply and ingrain Carpets; Oil Cloths; bedroom Furniture, Stoves; kitchan Furniture, &c. Also, 34 cottags Bedsteads, a good article. Also, 35 Boston Rockers; 3 dozen Stands; Stowall's once Deeks and Chaire, &c. P.S.—Sale positive, without regard to weather.

other Deaks and Chairs, &c P.S.—Sale positive, without regard to weather.

II ANDSOME FURNITURE, PIANOFORTES, &c —THIS day, at 10% colock, at 35 Nassau street, mear Fulsen—R. C. Kemp will sell, at auction, as above, without reserve, to pay cash advances, a large assortment of valuable rosewood and manegany Furniture, with a general assortment of house keeping articles, consisting of carved rosewood parlor Furniture, en suite, in rich French satis brocatelle: Voltaire casy and sewing Chairs, in brocatelle and velvet plush; rosewood Cabinets; library and secretary Bookoases; Wardcobes; extension diming Tables; carved rosewood and manegany centre theory Tables; carved rosewood and manegany centre theory Tables; carved rosewood and manegany dressing Bureaus and Washatands, with and with manigany dressing Bureaus and Budaing; Coloulos: Rocking Chairs; cane seat Arm Chairs; Divans; tele-a tela states; Chairs; cane seat Arm Chairs; Divans; tele-a tela Urns; China and Glassware; silver plated Castors, with cut glass; ivory stable Cutlery; Tea Trays; steel Fire Sets, &c. &c. &l. of which particularly merit the attention of dealers and housekeepers, as the whole will positively be sald without any reserve. Pianofortes, from various dity makers, which are particularly worthy of notice, as they are warranted, and must be sold to pay advances.

TOR SALE.—STEAMER JOHN NEILSON.—AT THE Merchante Exchange, in the city of New York, on Wednesday, the 19th of Doember, to the highest bidder, without reserve, the splendid iron steamer JOHN NEILSON, belonging to the New Brunewick Steamboat and Canal Transportation Company, and built in the years 1849, in the best possible manner, and in point of speed superior, it is believed, to any hoat now on the surface of the waters, being able to run, in still water, twenty miles in one hour. Hor draft is 4 feet water; she is 270 feet long, 28 feet wide, and 54 feet over the quards. Her engine is 57 inches diameter, and 12 feet stroke, two atrong tubular boilors, and all in perfect order. Turns made known at sale. By order of the board, made known at sale.

NOTICE.—A CONDEMNED BARGE, BELONGING TO the United States, will be sold at public acction at Whitchall slip, N. R., on 1st December, at 12 o'clock, M. Quartermaster's Office, No. 6 State street, Nov. 2.

FOR SALE—A FIRST CLASS RESTAURANT, SITU-ated on one of the best corners of Broadway. Passes-sion given immediately. Apply to LAIRD & VAN LISA 35 Vesey street.

POR SALE - A WELL KNOWN AND ESTABLISHED Public House, on the north side of the city, between the Hudson Railroad Depot and the York and Eric Depot, with Ledding Reoms, completely furnished; will accommodate about forty Ledgers, and full every night. Bar receipts average eighteen deliars daily. Apply to HOWES & BALKGOM, 83 Nassau street.

FOR SALE-THE PURNITURE, LEASE, PIXTURES,

FOR SALE-AN INTEREST IN A MANUFACTURING establishment, where the demand for the article made. I establishment, where the demand for the article made, which is used in building is always in advance of the apply, and at a large profit. It is a rare chance for one wanting a good buriness on a small investment, say \$3,000 to \$4,000. Answers will be confidentially treated, and may be addressed to Steam Mills, at this office.

L'OR BALE-A CITTEXPRESS, NOW DOING A GOOD besizes, Will be sold cheap, if applied for soon, Reason for selling will be given on application. Address L. T. Balsey, St William street, basement.

L'OR SALE OR EXCHANGE FOR CITY PROPERTY. Chester, adjoining Mount Vernon, Inquire of CRANDELL RICH, East Chester.

PESTAURANT FOR SALE.—THE WELL KNOWN Resingrant under Barnam's Museum, corner of Brandwy and Ann attect, known as the "Torrapin Lunch." This occupand resort is now offered for sale on account of the owner's engaging in other business. For terms of sale, apply on the premises, or to WM. P. EARLE, Early's Hotel, No. 19 Park Row.

IP PARK NOW.

RESTAURANT AND BAR FOR SALE-ON BROADway, situated near several of the best places of amusements in the city, taking from \$25 to \$50 per day, will be
seld very few for each. Apply to DECOUTER & JOHSON,
No. 362 Folton street.

STRAM BOILERS FOR RALE.—ONE NEW SIGH PRES-sure boiler, 4 feet diameter. 36 feet long, with 2 15 inch fees. Also one second hand locometive believ, diese long, 8 feet frost. 32 inches diameter, furnance 2 feet by 2 lent inches, with steam drum. The issumptive believ is nearly new For particulars in localized and account of the particular of SECON & UNDEABILL, foot 10th street, Z. River.

TO HILKMEN AND DISTILLERS.-THE ADVERTISER TO MILKMEN AND DISTILLERS.—THE ADVERTISER has for eals, in the viricity of Philadelphia, sight across of Lead, with improvements, and howes, narn, and large new building, cracted last apring, suitable for a distiller, which he will dispose of on reasonable torms. The above is situated on the line of two rainroads, a distance of two miles from the chy; and the business is very much wasted in the within two miles of the said place, which cannot apply half the demand for slope, as some three hundred carts are in waiting from four to ince hours every day, and many have to leave without acting any; besides there is such a demand for milk that unless a rorson is at the stands very early it is impossible to engage in it there exist not and a very carry it is impossible to engage in it there exist not and a better chance to make money in the same business anywhere. For particulars, inquire any evening, between the hours of six and one o'dock, or in the moraling, between sever and nine o'dock, or that the 5th December, at Durley's ideal, the filter intent, New York.

PO LET FOR RELIGIOUS PURPOSES ON SUNDAYS

-The large Musical Hall, No. 444 Broadway. Apply to
FELLOWS & WOOD, No. 444 Broadway.

TO LET OR LEASE, WITH OR WITHOUT STEAM power, that large store No. 60 Yeasy street, a first rate lecation for any kind of business. Apply to J STOUVENEL & CO., Glass Cutters, on the premises, or at No. 524 Broadway, China, Glass, and Gas Fixtures Store.

TO LET-THE UPPER PART OF THE HOUSE, NO. & Barrow street, consisting of second floor, two attices and privilege in kitchen, situated in a gented neighborhood, and within two blocks of three stage routes. Would be control low until May, to a small family. Apply to James Price; office, 176 Housen street.

L'AST MARE FOR SALE-SHE IS SOUND, KIND, PER-fectly broken to harnoss, and an excellent saidle here-be is sold for na fault, and may be seen at Read & Trust-dale's stable, 176 Mercer street, near Bleecker.

H ORSES WANTED, -A FARMER, A FEW MILES FROM the city, will take one to four horses to keep for the winter months, and keep them well. Apply to Mr. JNO. C, HAE, No. 500 Broadway.

CARRIAGE FOR SALE.—ONE LIGHT SECOND hand six seat Rocksway, Wood & Tomlinson's make, cost \$500; and one no top light swages, Join C. Ham's make, cost \$100. Both will be sold low if applied for immediately. They have been but livids used. Apply at JOHN C. HAM'S Repository, 500 Broadway.

GUNS, GUNS, GUNS -THE SUBSCRIBER HAS ON We hand a large quantity of brass and from force, and Total Carriagos, with implements and continuous controllers, and Total Carriagos, with implements and continuous controllers, 190,000 Rids 4s., 75,000 Phistol double a controller force, Shalla, Act. 1,000 web infantity according to Cardiner Stota, Shalla, Act. 1,000 web infantity according to the cardinal state of the controllers and controllers. The cardinal state of the cardinal st THE NINTH WARD SCHOOL CALAMITY.

This inquiry was resumed yesterday afternoon, by Acting Coroner Bleakley. Previous to proceeding any further, Judge Meech, one of the jury, called the Coroner's attention to what he considered an irregularity, which would invalidate the proceedings. He understood there had been sixteen jurors summoned and sworn whereas the law did not allow more than fifteen. He read the Session law of 1847, chap. 118: "Whenever any Coroner shall receive notice that any person has been slain, or has been dangerously wounded, or been found dead under such circumstances as to require an inquisi-tion, it shall be the duty of such Coroner to go to the place where such person shall be, and forthwith to summon not less than nine, nor more than fifteen persons, qualified by law to serve as jurors, and not exempt from such service, to appear before such Coroner," &c. He had had, he esid, the opinion of the Corporation Counsel on the point, which agreed with his own—that they were acting illegally; and there was no use in continuing the inquest if their verdict would be of no available. We annex the opinions of the District and Corporation Attorneys upon the points in dispute:-

We annex the opinions of the District and Corporation Attorneys upon the points in dispute:—

COURT OF OVER AND TERMINER.

City Hall, Wednesday, 12 M.

DEAR Six:—In reply to your request, asking "how far parties who may be affected by the inquiry now going on in relation to causes of the late melancholy catastrophe ought to be examined under oath touching the same." I am free to say they ought not to be.

The great object of the inquiry is, "were the circumstances under which so many innocents have been suddenly ushered into the presence of their Saviour, such as to require the imputation of blame or censure upon either the builders, superintendent, architect, or others connected with the ervetion, or charge and control of the public school in question?" The rules of evidence governing a Grand Jury must prevail.

It requires, surely, no authority to show that a party accused, or who may be accused, as the result of a criminal investigation, cannot be examined under oath unless with come nt of the public authorities.

I regret that my constant employment in the case now on trial for murder, has prevented my presence at this important investigation. With great respect, yours truly,

N. BOWDITCH BLUNG.

NEW YORK, NOV. 28, 1851.

HENRY E. DAVIES, ESQ., Corporation Counsel:—

Dear Sir.—I find on an examination of the laws bearing upon the subject of Coroners and Coroners' Juries, and, the mode of summoning and empannelling such Juries, that by the laws of 1847, it is the duty of the Coroner, in cases of death by accident or otherwise, to summon not less than nine nor more than fifteen jurors, of whom not less than nine nor more than fifteen jurors, of whom not less than six shall constitute the jury.

The Coroner's Jury new Investigating the subject of the late accident, at Greenwich avenue school, consists of sixteen jurors. I am of the opinion that all the proceedings before that jury are illegal and informal.

As ene of the jurors, may I lask your opinion upon the subject of this irregularity.

New York, Nov. 28,

Respectfully, your ob't serv't. WM. B. MEECH;

New York, Nov. 28, 1851.

Wm. B. Meech, Esq.—Dear Siz: Your communication, addressed to the Counsel to the Corporation, in reference to the regularity of the proceedings of the Coroner's Jury, now in session, inquiring into the causes to which the late disaster at School No. 2°, Greenwich avenue, is to be attributed, is duly received. In the absence of Mr. Davies from the city, the duty of examining the question submitted is devolved upon me.

It is a serious question in my mind whether, under the present organization of the Law Department, it is the duty of the Counsel to the Corporation to pass any opinion upon the validity of the acts of officers not strictly acting as corporate officers, but who derive their authority from general laws of the State; and I should be unwilling, with my present impressions, to assume the responsibility of making any official communication on the subject.

But as you have in a verbal communication expressed

unwining, with my present impressions, to assume the responsibility of making any official communication on the subject.

But as you have in a verbal communication expressed a desire that I should furnish you with my own views on this subject, I will briefly state the result of a very hasty examination that I have been able to bestow upon it.

By the act of the Legislature of April 21, 1847. (Laws of 1847, chap. 18,) referred to in your communication, the Coroner is required to summon not less than nine nor more than fifteen jurors upon an inquest before him. You state that sixteen jurors are empannelies on the inquest alluded to. And the question submitted is, whether the excess beyond the statute number of jurors has not invalidated the proceedings of the inquest. There can be no doubt but that an irregularity has been committed in empannelling more than the number fixed by law, but it is a most serious question how far that irregularity invalidates the acts of the jury. It is not necessary that I should ascertain what would be the legal effect of a verdict found by the present jury, for the question under consideration involves mainly the relations existing between the jury and the acting Coroner, and the legal authority of the latter over the former. It is quite clear to my mind that, if a jury of sixteen may be empannelled, there is no limit to the number that may be legally empannelled. And should such a consider the evils that must ensue. It would, in that case, be in the power of the Coroner to defeat the objects of a Coroner's inquest by summoning great numbers, who would be likely to be influenced by personal or

consider the evils that must ensue. It would, in that case, be in the power of the Coroner to defeat the objects of a Coroner's inquest, by summoning great numbers, who would be likely to be influenced by personal or local prejudices, and to act without that solemnity and sense of personal responsibility that ought slivays to attach to the exercise of the important functions of the Coroner's Jury. Such a construction would lead to other abuses affecting the public treasury as seriously the administration of criminal justice.

Independent of any legal decisions upon the subject, I should have no difficulty in coming to the conclusion that the inquest was illegally constituted; but it appears quite clear, from an examination of the authorities, that such is the only legal conclusion. The finding of a Coroner's Jury is equivalent to an indicument of a Grand Jury (see Chitty Grim, Law, vol. 1st, pp. 188 and 189), and it has been held by no less authority than that of Lord Massfield, that summoning a larger number of guard Jurors than that allowed by law, was a gross live guilarity. (See 28 Burrel's R. 10 88; also Chitty's Grim, Law, vol. 1st, pp. 3.111 and 312.) It has been beid that a Grand Jury, constituted in any other manner than prescribed by law, is without legal effect. (See State va. William, 5 Porter, 125; also, State va. Brooks, 9 Allen, 13, and a like rule undoubtedly prevails as to Coroner's jutors.

The present irregularity lies at the very foundation of

The present irregularity lies at the very foundation of the proceedings, and affects their legal authority. The present jury, it would seem, has not been summoned or empanuelled in the manner prescribed by law, and it is not to be supposed that the statute fixed a limit to the number of jurors, and at the same time gave the Coroner the power of dispensing with that limitation whenever he might doesn't expedient so to do.

Under the circumstances, as they have been presented to me. I am of the opinion that the proceedings of the acting Coroner are irregular, and that irregularity virtually deprives the acting Coroner of that authority over the jury which he would have had bad it been legally summoned and empanuelled, and that the evil cannot be cured except by empanuelling a new jury according to the provisions of the statute.

Extract from Burne Justice of the Peace. Title Coroner, page 32.

Extract from Burns' Justice of the Freez.

The Coroner must hear evidence on all hands if it be offered to him, and that upon cath, because it is not se much an accurative as an indictment as an inquisitition or inquest of office. (2 link, 199)

In R. vs. Scory, (1 Leach, 43) the Court of King's Burch granted a rule against the Coroner to show caus why a criminal information should not be filed agains him for refusing, on taking an inquisition steps clean corporat, to receive evidence on the part of the person accused.

him for refusing on taking an inquisition separ eleum expans, to receive evidence on the part of the person accused.

The jurges at any time during the investigation, may call back before them any witners who has been examined, and ask any question that may suggest itself to their minds as elucidatory of their inquiry.

The Vailet.—It is preculsify the province of the Jury to investigate and determine the facts of the case, they are neither to expect, nor should they be bound by, any specific or direct opinion of the Coroner upon the whole of the case, except as far as regards the veriliet, which, in point of faw, they ought to find as dependent and contingent upon their conclusions in point of faw, they ought to take and show the most respectful deference to the advice and recommendation of the Coroner, of questionen factions respondent justices. (Vaugh, Rep. 100) The veriliet should be compounded of the facts as detailed to the Jury by the witnesses, and of the law as extend to them by the Court. (See Krois, 225, 226) Jurtice Bleakley, Acting Coroner, thought the error Justice Bleakley, Acting Coroner, thought the error as to the number of jurymen, quite immaterial, and might not be questioned at all. A discussion ensued in

city, and the Coroner observed, the jurer might with draw if he pleased. Mr. Meech said that would not remedy it. He had no right to summon or awear any more than lifteen.

The Coroner then alluded to the subject of the letter Fire Department, and said he had, under the circum-

stances, deemed it his duty to call Miss Higgins, allud-it to in that letter-who would now give her evidence be-

which both parties manifested a good deal of pertina

to in that letter—who would now give her evidence before them.

Miss Higeins was then sworn—Her name was Mary H. Higgins; ahe resides at 36 Bedford street; she was a teacher in the Ninth Ward School No. 26. Q.—What was the first elerm you heard on Tuesday, the 20th November! A.—I was in my class, teaching the children, about two o'clock. The children were in perfect order, when I was alarmed by a sudden rushing nodes up stairs; I waited a few moments and that children smiled but I told them to be still and they were so. I then the set of the door and opened it. The noise I then best d was the cry of "fire," and I also met some near the more than the product of the primary department and they told me the building was on fire. The door of my class rooms opens out into the main room, and when I got there. I saw no teachirs at the more sent! Q.—What proportion of the children wate in a life time! A.—The majority of the children had lest

the room. I do not know how the men got in. Cannot say they had any caps on, or the usual uniform of firemen. To a Juror—I did not know any of the men. To Coroner—I went to the back part of the room and I met Miss Kohler there. Do not know whether Miss Kohler saw the men. All my class were in the room when I returned into it but six children. They left and rushed down stairs, with the other children, and three of them were killed and three injured. I sawed the class by passing the children out by the window. I think the cry of fire caused the children to rush to the door, and alarmed them. I believed the building to be on fire when I got out. I have no idea of the number of men, or how they get there. Two men got on a shed and persuaded me to jump through the window. I had resulting fall.

To the Coroner—I have no doubt that all this calamity originated from the sickness of Miss Harrison.

A juro saked the Coroner the object of this examination. It fixed the blams upon no one; and they were only pursuing a shadow.

The Coroner said he felt so too; but this matter had been mentioned and taken up by the press, the firemen had been censured, and he had required the examination of Miss Higgias, for public satisfaction. He then read the letter of Mr. Moore, before mentioned.

The witness said she agreed with the truth of all that was in the letter, except that they burst open the door: she had, herself, opened the door, and she did not say they were firemen; she only said "men."

The Coroner observed, these were the material point of the statement 1 170 the Jury ---None of my children left the room till after the cry of fire; I do not know how many men there were; there were eighty-nine in my class, all boys, and Miss Kohler had all girls; there were more than six hundred children in the primary department; the children rushed out of my room, when the confusion increased, I do not know how many children rushed to the door; I think there were twenty.

The Higher solit twenty in her department.

The Wincower—Are you sure there were not 22:

The wincow was not you will be the word of the Augustion of a jury. He was trained were in the male department 572, who were contained in ten different recome; the number killed in that department was two; in the female department there were 608 scholars in six rooms, or whom 18 were killed; in the primary department were, 761. In eight rooms, of whom 22 were killed—10 boys and 12 gris.

This concluded the testimony, and the District Attorney having extered that his engagements elsewhere on other business (alluding to the trial of Grunty in the Oyer and Termirer.) had prevented him from attending this very important investigation. He had given his opinion in writing which would speak for itself, of the questions had before him. He was free to confess he had seen in the public papers reports of proceedings here which appeared to him illegal. He held that each juror had a perfect right to put any question which was partitioned or relevant to the matter; and that when any person or persons might be involved in censure by the rendition of the werdiet, they had a right to introduce proper evidence to exculpate themselves. He had ones that attention, were made to the control of the werdiet, they had a right to introduce proper evidence to exculpate themselves. He had ones that attention, every much exchanged.

He had come that attention, every much exchanged, to a right to introduce proper evidence to exculpate themselves. He had not seen that the summoning of more was illegal; but at all events, it was, he thought, only an irregularity, and as a coroner's jury could only sit upon view of the body, and they had been interred, the only course would be to turn the investigation over to the requiral judicial authorities—the magistrate—who would alone exercise the same function that the jury now did he thought it should be permitted to go on. A very great mistake had been committed in this city for the last twenty years, with respec

CHARGE OF ACTING CORONER BLEAKLEY.

Gestlemen of the Jury—It is unnecessary for me to dwell on the mysterious dispensation that has spread aginy and desolation anid once cheerful and happy homes. Incidents of painful interest. of patient suffering of herois fortitude, of wise determination, have been elicited by the testimony, that must command our admiration. You have seen little children—guildless, beautiful little children—a moment since in the joyounness of careless youth, deed, with the smile of life upon their ilps, with the huse of life still on their cheeks. Genilomen, you have no power over the past, but I charge you, whicut fear, favor, or sympathy, patiently, earfully, and thoroughly to criticize the testimony, so that your judgment be perfect and your vendlet sendightened. Your duty requires, the people demand, that the cause of this great calamity be disclosed. If the law does not provide purishment, or it you conclude that cassare should not be applied, your venilet should at least instruct that no expenditure should be spared, ro precaution delayed, no expedient be hispensed with, that may prevent the occurrence of a similar catastrophe to the 70th day of November, a day that will be over memorable in the annals of the schools of our city, Miss Adby Harrison, Principal of the Female Department in Ward School No. 25, in Greenwish aromae, without any premonition, the says, "up to the moment of the attack. I was very well,") was suddenly stricker with paralysis. Her appearance frightened the gifts near to her, and they commenced to acream violently, and usable to the dror, the whole class, or nearly the whole, screaming violently. Some girls, in the midst of the unrear, each of the whole class, or nearly the whole, screaming violently. Some girls, in the midst of the unrear, with all their authority and seal, to stop or subdue. Up to this moment, gentlemen, do you discover anything on the part of any of the persons, that every five of them are easier to the highest her person to the stairs or other

The Coroner then proceeded to charge the jury.

her door two men carried in what she supposed was a bundle; when she reached her room she found the lifeless body of her child. There was no oversight there. But you have heard all, and it is your province to decide upon it. Your integrity will prevent your verdict from being influenced by sympathy with suffering. Your independence will prevent your being influenced by the apprehension of censure. It will be less painful if no fault can be found, but a true verdict you must render. Whatever may be the result to which you arrive, I trust that from this bitter affliction may spring wise provisions of law for personal security, and that we may not longer be characterized as a people whose advancement in the arts and sciences is only equalled by our reckleseness in life.

He concluded his observations—There was one thing they must have remarked. There was always an unaccountable disposition, when any secident occurred, to throw blame upon the Fire Department, and it had been attempted here—in bringing forward the statement of that young lady, (Miss Higgins)—but there was not one particle of evidence to sustain that charge. Who had ever known any of our firemen to do anything to endanger the lives of others? He, bimself, had on the contrary often been witness of their recklessness of their own lives whenever either the lives or property of others had been in danger.

The Jury retired about half past four o'clock, and returned at half past eight.

On their coming into court, the Coroner said that some might question as to the cases of two of the children, who were of the Hebrew faith, which required them to be buried at twelve o'clock the next day. Out of respect for their conrecientious scruples, he had allowed this to be done, previous to which he and one of the jurors. Mr. Oakley had viewed them. He did not apprehend that any difficulty could arise from the dreum-stance, and the course adopted had been sanctioned by the Recorder and by the District Attorney.

Mr. Leonard, the foreman, then proceeded to read the

Mr. Leonard, the foreman, then proceeded to read the ollowing

VERDICT.

The Jury unanimously concur in the opinion that the cause of death in the cases of (here follow the names of the deceased) was from suffocation conjoined with external and internal injuries produced by falling down the front and rear stairway, of Ward School building, known as No. 29, situate in Greenwich avenue That said children deceased, with others at that time in said school building became suddenly alarmed, first occasioned by the slight peralysis of the principal of the female department of said school, Miss Abby Harrison. A sudden and almost instananeous panic produced by the impression that the building was on fire, took pessession of the entire school, gausing a universal rush of the children to escape from the building, rendering it utterly unavailing for the teachers, by any agency or means in their power, to quell the aiarm, or to stay the children from their attempts to emerge from the building; and that the teachers of said school and each of them, are slameless concerning the casuality, and are in no way responsible for the deaths or injuries occasioned by the disaster. Signed,

Moses G. Leonard,
John J. Davies.

W. E. Smith, Jr.

W. B. Meech,
William M. Ribinlander,
William M. Ribinlander,
W. J. Roome.

To this verdict the undersigned feel it in.

James Webb.

James Webb.

To this verdict was appended the following statement:—
In presenting this verdict, the undersigned feel it incumbent upon them, as well from public espectation as from an imperative sense of the duty they have to discharge, to present as briefly as possible some of the reasons more remotely connected with this catastrophe, that all pertaining to, or connected with it, may be perfectly understood and known. It is not often the duty of magistrate or juror to perform a labor so delicate and full of responsibility as that which is the occasion of this inquest. We are rejoiced to say that it is not within the recollection of the oldest of these jurors that an event so full of sorrow has called for the discharge of a similar duty in our city. And, with reverence and humility, we implore the Divine Governor of the universe to avert from us bereafter, forever, so terrible and awfully painful a calamity. That so many of the most promising of our youth, the hope, and pride, and joy of fond and doting parents without admonition, should thus be called to embrace the cold arms of death—and that, too, when in the midet of life, surrounded with all its attendant comforts and blessings, is indeed melanchely to contemplate. It is no wonder that a general mourning scene pervaded the entire community. But how much more those who, but a few brief hours before, had prepared their little ones with all the tender assiduity and care of a mother's love and affection, to go forth to their innocent, yet important duties of childhood, to receive in return the stiffened corpse, the pallid cheek, the lifeless remains of these dearest trea ures of their life. No sympathy can partake of the sorrow of those parents' hearts. But as far as possible, it has been your duty to assuage, to bind up the broken, crushed sphrils of these bereared friends. It is this duty and purpose, as well as our duty to a sympathicing and interested public, that has so seriously impressed the undersigned with the great responsibility resting To this verdict was appended the following statement:

rence. It is also is proof that causes equally calculated to produce alam have previously existed (not, it is true, by any similar, or any cause from the present principal, but that the former principal was frequently subject to attacks of fainting), yet without producing any cap the sense of excitement or machine the resulted, is, to the minds of the undersigned Jurors, a question beyond their ability to solve; it can only be known to lim whose omniscience sees all things from the beginning, and to whom the secrets of all transactiors by his omniscience are made known. All that human effort could do under the circumstances, to stay the excitement, and control the conduct of these excited children, we believe was performed by the school teachers. There was no lack of prudence, of elif possession, or of well-literated effort, to commind order. Some of their, much to their created without exception, chowed themselves to have exceted every cuerty to sare harmless the little ones entrained to their charge, we feelfit but an act of simply institute to award to them universally meritorious praise and commendation. If consure should be found elsewhere, or critarily to there it does not belong. The next part in order, and that which naturally presents itself, and to which much care has been given belong the extent well and to which much care has been given belong the extent well and perfectly arranged Concerning the building, the most reliable testimony that could be obtained, as well for completency to form correct and accurate judgment as for truth and versely, has proved that the main structure is good; that it is always the facilities of ingress and excrete the building, after when the facilities of largers and excrete the building, way, the facilities of largers and excrete the building. We would be understored, and such write the said, sarring with winders as our farging below, which must they describe the building that the follow of the building aswith the plans were submitted to the outling and that cherefore t

such buildings must be constructed

The Coroner having thanked the Jury, in handsome terms, for the patience they had given to the case, and complimented them on the ability they had shown, would make a suggestion with regard to one fact connected with it. He thought some acknowledgment—which, perhaps, would be made verbuilty by their forman—was due to the Captain and police of the ward, for the alacrity they had shown in converting their station house, a building full of men, into an hospital for the injured sufferers, within little more than a few minutes; and for their conduct generally throughout the sad-safair. The neighbors, also, were deserving of high commendation for their exertions in formishing hot water, shd otherwise aiding them in that hospital.

The foreman replied, he was quite confident he spoke the feelings of all his fellow jurymen in complying with these suggestions. The conduct of the police had not escaped their notice, and would have formed the subject of some further remarks had not those already made extended to such length.

INCIDENTS.

INCIDENTS.

INCIDENTS.

Donation and Proposes Mosument.—The Coroger, in the course of yesterlay, received a letter from Mr. J. B. Miller, of Canal street, enclosing a check for \$100, to be given to the Trustees of the school, to be distributed—fifty dollars to those in need, and fifty for the erection of a monument in Greenwood Cemetery.

City Intelligence. EXTENSIVE FIRE.

Yesterday afternoon, about half-past ave o'clock, flames were seen issuing from the first story of the building No. 2 Fletcher street, occupied as a drug store by Messra Jackson & Dominica, from which the fire communicated to the building No. 214 Power the fire communicated to the building No. 21s Peaces treet, occupied by Messrs. Bunting & Foote, as a paper warehouse—the upper part by Mr. J. P. Williams as a scap manufactory—from thense to No. 21s, the lossor part of which was occupied by Messrs. Shirley & Buzzauctioneers, the second floor by J. G. Githert, dealer in machinery and oil cloth, and the upper part by Mr. R. W. Haviland, crockery merchant, of No. 82 Maiden lane. The therein, were destroyed. The loss of Mesers Jackson & Dominick will probably amount to \$7,000, which is partly covered by insurance. Mesers Shirley & Hunt's loss is about \$2,000—no insurance. Mr. J. G. Gilbert's loss is land's loss about \$1,000; covered by insurance in the Foote's loss unascertained; but are insured in the East loss \$1,500; insured in the United States Insurance Com-pany. The fire is said to have originated in the chamical store of Messrs. Jackson & Dominick, while one of their employees was engaged in pouring out ether and napths. The fire companies of the Seventh, Eighth and other dis-ricts were promptly on the ground, and worked with vigor. The fire was not extir guished until a late hour.

THE RETURNED CALIFORNIANS. yesterday from Chagres, bringing seven hundred passengers, "returned Californians." The figure these pas sengers made on their arrival here, was anything gold digging, their wardrobes were somewhat neglected, and some of them could boast no more than a pair of well worn pantaloons and the ghost of a shirt. However, if they were badly clothed they had with them in

ARRAGAMENT FOR KONVING—We learn that expended committees of Common Councils of neighboring cities, created for the purpose of inviting Kossuth and his suite to visit, and accept of, the hospitalities of their cities, have engaged lodgings at the living House, and intend being present on his reception by our city. Great perparations are being made by the dominities of Rosspition, and it is expected that his entry will equal if an surpass, in parade and grandour, any previous consistsation upon this continent.

tion upon this continent.

Dears as Accoustral Deawara—Alderman Conchinating Coroner, held an impost yesterday on the body of Henry McKinny, aged twenty at years a native of Ireland, who came to his death by drowning. The deceased was a hand on board the steamblip Allantic, lying foot of Canal street, and on Monday hast was singled in removing from the ship a bag of ashes, and missing his balance on the gaug plank fell into the river, and was drowned before ald could be rendered. A verdict of accidental drowning was rendered.

December 1. Percent of the control of the body was discovered floating in the dock yesterlay.

A verdict of accidental drowning was rendered.

Dearm as a Fall.—An inquest was held yesterday at the City Hospital on the body of Lavet Thorson, born in Denmark, and aged forty seven years, who died in the Hospital on Thursday evening, in consequence of injuries received accide mally, by falling down the hatchway of the zhip Glements, lying at pler No. 5, North river. A verdict was rendered accordingly.

Figs.—About half-past 4 o'clock on Friday morning, a fire broke out in the two stery frame house No. 30 Chrystie street. It was extinguished with but slight damage, by Hose Company No. 22, assisted by the Tenth district police.

of the Company No. 12, accessed by the Venta asserting police.

Accesses:—On Thursday afternoon, a woman named Morrison, was shot in her leg, with a pistol loaded with ball, which was accidentally discharged, while in the hands of Mr Francis Crasson, who resides in Tenta havenne, near forty-third street. The ball was skitfully extracted by Dr. Hepburn, and the woman is doing well.

An Isrant For no Dean.—The body of a formale infinity was found in the area of the house No. 191 Brooms street, on Thursday evening, about half past nine o'clock. It was wrapped in a brown flown cut. The police charveyed the body to the station house, and notified the Covener, who will hold an inquest to-day.

The Turf.

Centraville Course, L. I.—Traville,—On Thursday last, there was a large attendance at the above course to witness five trotting matches amounced to come off. All were disappointed, as but two of the five matches were trotted, the others being forfeitures.—True John backing out from Lady Haynes, and Tecumsels from Centreville. The following summary of the two contasts that took place is quite as much as they deserve.—

Nov. 27, purse and fake \$125 (or less), mile heats, in harness, owners to drive.

The Turf.

Nov. 27, purse and stake \$250 (or less), mile heats, in harness, owners to drive.

Mr. Simonson named g. m. Lady Hoagland... 2 1 1 2 2 5 Oliver named bits. m. Lady Persins... 2 5 3 5 F. H. named g. m. Kate Hayes... 418 Time 512--210--307

Same Day.—Match \$100, mile heats best three in tree, in harness.

A FORSARES PROPIE - A Rhode Island fedura der examination by a Counsettent shootmaster, being saked. How many dieds are there! "-the bay after having received his bind some (ma. replica - don't have been many out we at in Counselfon, but want of the best many out we are a Counselfon, but wanted to be in those beauty.